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TATES PATENT AND TRADEMARK OFFICE UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov ATTORNEY DOCKET NO. CONFIRMATION NO. APPLICATION NO. FIRST NAMED INVENTOR 10/577,609 04/27/2006 Frank Stengrimsen RR-614 PCT/US 5375 04/30/2009 EXAMINER Rodman & Rodman CHANG, HANWAY 7 South Broadway White Plains, NY 10601 PAPER NUMBER ART UNIT 2881 **DELIVERY MODE** MAIL DATE

Please find below and/or attached an Office communication concerning this application or proceeding.

04/30/2009

**PAPER** 

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/577,609	STENGRIMSEN, FRANK
Office Action Summary	Examiner	Art Unit
		·
The MAILING DATE of this communication app	Hanway Chang ears on the cover sheet with the c	2881 correspondence address
Period for Reply		
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on 04 Au	<u>igust 2008</u> .	
2a) This action is <b>FINAL</b> . 2b) ⊠ This	action is non-final.	
3) Since this application is in condition for allowar	ice except for formal matters, pro	secution as to the merits is
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.
Disposition of Claims		
4) Claim(s) 1-24 is/are pending in the application.		
4a) Of the above claim(s) is/are withdraw	vn from consideration.	
5) Claim(s) is/are allowed.		
6)⊠ Claim(s) <u>1-24</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction and/or	election requirement.	
Application Papers		
9) The specification is objected to by the Examine	ſ.	
10) The drawing(s) filed on 27 April 2006 is/are: a)	$\boxtimes$ accepted or b) $\square$ objected to I	by the Examiner.
Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correcti		•
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.
Priority under 35 U.S.C. § 119		
12)⊠ Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a)	)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:	. ,	
<ol> <li>Certified copies of the priority documents</li> </ol>	s have been received.	
<ol><li>Certified copies of the priority documents</li></ol>	s have been received in Application	on No
3. Copies of the certified copies of the prior	· •	ed in this National Stage
application from the International Bureau	` '/'	
* See the attached detailed Office action for a list	of the certified copies not receive	d.
Attachment(s)		
1) Notice of References Cited (PTO-892)	4) Interview Summary Paper No(s)/Mail Da	
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08)	5) Notice of Informal P	
Paper No(s)/Mail Date <u>07/05/2006</u> .	6)	

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### DETAILED ACTION

## **Priority**

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Norway on 10/19/2004. It is noted, however, that applicant has not filed a certified copy of the 20044434 application as required by 35 U.S.C. 119(b).

# Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Low et al (US Pat. 6,639,236, hereinafter Low) in view of Wissman et al (US Pat. 7,425,195, hereinafter Wissman).

Regarding claim 14, Fig. 2 of Low discloses a storage container for radioactive material comprising an integral inner container part (5) of a first material (high density polyethylene) with a bottom and upright wall (see col. 3, lines 16-22), an integral outer container part (9) of a second material (epoxy resin) with a bottom and upright wall (see col. 3, lines 53-56), and a radioactive radiation inhibiting material (lead) in an interspace (7) between the walls and bottoms of the inner (5) and outer (9) storage container part, respectively. Low does not teach that these container parts are formed by injection or pressure mould. However, in the same field of endeavor, Wissman discloses that the

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parts of a shielding device can be formed by injection (see col. 5-6, lines 66-4). In view of such teaching, it would have been obvious to the ordinary artisan at the time the invention was made to form the container parts by injection for the purpose of controlling the shape of the container.

Regarding claim 15, a difference between Low and the claimed invention is the outer container part has threads configured to engage threads on the lid for locking means for non-releasable locking engagement with the lid. However, in the same field of endeavor, Wissman discloses such a locking means with threads (see col. 6, lines 10-20). In view of such teaching, it would have been obvious to the ordinary artisan at the time the invention was made to have threads for a non-releasable locking engagement with the lid for the purpose of having a more secure seal.

Regarding claim 16, Fig. 2 of Low discloses the storage container having at least one recess, and a second lid member (7) in the form of a solidified radioactive radiation inhibiting material (lead) located in an inside region of the first lid member and at least one recess (6), the material retained in the at least one cress for non-releasable locking the second lid member (9) to the first lid member (6) (see col. 3, lines 26-36). Low does not disclose the lid member having threads. However, in the same field of endeavor, Wissman discloses such a locking means with threads (see col. 6, lines 10-20). In view of such teaching, it would have been obvious to the ordinary artisan at the time the invention was made to have threads for a non-releasable locking engagement with the lid for the purpose of having a more secure seal.

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Regarding claim 17, a difference between Low and the claimed invention is the lid has a portion of the skirt configured to be able to engage a container lifting device. It would have been obvious at the time of invention to a person of ordinary skill in the art to modify the lid in such a way for the purpose of allowing easier transportation of the storage device.

Regarding claim 18, Fig. 2 of Low discloses that the lid member is made of a plastic material that is the same as that of the inner and outer container parts (see col. 3, lines 16-36)

Regarding claims 19 and 20, Fig. 2 of Low discloses that the radioactive radiation inhibiting material is made of lead (see col. 3, lines 16-22).

Regarding claims 21 and 22, Fig. 2 of Low discloses that the first material is high density polyethylene (see col. 3, lines 16-22) and that the second material is of plastic material (epoxy resin) (see col. 3, lines 53-56).

# **Double Patenting**

Claims 1-24 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 7,354,544.

Although the conflicting claims are not identical, they are not patentably distinct from each other because in US Pat. 7,354,544 (hereinafter '544), claim 1 contains all the limitations of claims 1, 3, 8, 9, 14, and 23 of the instant application.

Claim 1 of the instant application recites a method for manufacturing a storage container for radioactive material. Claim 1 of '544 discloses all of the limitations except

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that the container parts (first and second) are cast by injection. However, it would have been obvious at the time of invention to a person of ordinary skill in the art to use a well known method (injection) for the purpose of having greater control over the shape of the part. It should be noted that claim 3 of the instant application is merely an obvious variant of claim 1 of the instant application which is also covered by claim 1 of '544.

Claims 8 and 9 of the instant application recites a method for manufacturing a lid for the storage container. Claim 5 of '544 contains all the limitations except it does not explicitly claim each step in forming the lid. It would have been obvious at the time of invention to a person of ordinary skill in the art to form a lid for the storage container with the corresponding layers for the purpose of completely sealing the radiation within the storage container.

Claim 14 of the instant application recites the storage container formed by the method above. '544 does not explicitly claim the device itself. However, it would have been obvious at the time of invention to a person of ordinary skill in the art that the device would be formed by following the method above as claimed.

Claim 23 of the instant application recites a device used to form the storage material by the claimed method. '544 does not explicitly claim the device itself.

However, it would have been obvious at the time of the invention to a person of ordinary skill in the art that the device be used to form the storage container by the method as previously claimed.

Furthermore, the various dependent claims are merely obvious and therefore unpatentable in view of US Pat. 7,354,544.

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### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanway Chang whose telephone number is (571)270-5766. The examiner can normally be reached on Monday to Friday 7:30 AM till 4 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on (571)272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hanway Chang April 22, 2009 /H. C./ Examiner, Art Unit 2881

Art Unit: 2881

/ROBERT KIM/ Supervisory Patent Examiner, Art Unit 2881

# Notice of References Cited Application/Control No. 10/577,609 Examiner Hanway Chang Applicant(s)/Patent Under Reexamination STENGRIMSEN, FRANK Page 1 of 1

### U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
*	Α	US-7,354,544	04-2008	Stengrimsen, Frank	264/250	
*	В	US-6,639,236	10-2003	Low et al.	250/506.1	
*	С	US-7,425,195	09-2008	Wissman et al.	600/7	
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### FOREIGN PATENT DOCUMENTS

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# NON-PATENT DOCUMENTS

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A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).) Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known		
Application Number	10/577,609	
Filing Date	4/27/06	
First Named Inventor	Frank STENGRIMSEN	
Art Unit		
Examiner Name		
Attorney Docket Number	RR-614 PCT/US	

			U. S. PATENT	DOCUMENTS	
Examiner Initials*	Cite No.1	Document Number  Number-Kind Code <sup>2 (# known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		<sup>US-</sup> 4,569,818	02-11-1986	POPP et al	
		US- 3,466,662	09-09-1969	BLUM	
		<sup>US-</sup> 6,166,390	12-26-2000	QUAPP et al	
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Examiner Signature	/Hanway Chang/	Date Considered	04/02/2009

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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